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**CERTIFIED-FILED FOR RECORD**

**Barbara J. Hall**

Recorder of Deeds

St. Charles County, Missouri

BY:LBEWIG

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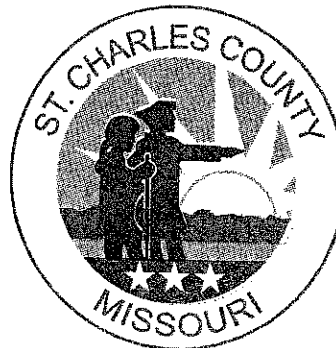
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# Recorder of Deeds Certificate St. Charles County Missouri

## NON-STANDARD DOCUMENT

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Barbara J. Hall

Recorder of Deeds

201 North Second Street, Suite 338

St. Charles, MO 63301



**FIRST AMENDMENT TO THE  
DECLARATION OF COVENANTS, CONDITIONS, EASEMENTS AND  
RESTRICTIONS OF THE  
VILLAS OF INDIGO RUN AT BEAR CREEK**

This First Amendment to the DECLARATION OF COVENANTS, CONDITIONS, EASEMENTS AND RESTRICTIONS OF THE VILLAS OF INDIGO RUN AT BEAR CREEK is made effective as of the 15<sup>th</sup> day of November, 2010.

WHEREAS, certain DECLARATIONS OF COVENANTS, CONDITIONS, EASEMENTS AND RESTRICTIONS OF THE VILLAS OF INDIGO RUN AT BEAR CREEK were recorded in Book 2292 Pages 1847 – 1880 of the records of St. Charles County, State of Missouri;

WHEREAS, Article IX, Section 5 authorizes the owners to amend, modify, rescind or revoke the DECLARATIONS OF COVENANTS, CONDITIONS, EASEMENTS AND RESTRICTIONS OF THE VILLAS OF INDIGO RUN AT BEAR CREEK:

- a. by an instrument approved by vote or agreement of not less than fifty-one percent (51%) of the Owners;
- b. by vote of not less than fifty-one percent (51%) of the Owners in a meeting duly called for such purpose;



WHEREAS, a meeting was duly called for the purpose of amending the DECLARATIONS OF COVENANTS, CONDITIONS, EASEMENTS AND RESTRICTIONS OF THE VILLAS OF INDIGO RUN AT BEAR CREEK and notice of the time, place, date and of the purposed amendment was mailed by the Board of Directors by first class mail, postage pre-paid, to all lot owners at their last known address at least thirty (30) days prior to such meeting;

WHEREAS, as the owners who represent more than fifty-one percent (51%) of the Owners of the Villas of Indigo Run at Bear Creek have reviewed and approved these amendments as indicated by their signatures on the attached written instrument;

NOW, THEREFORE, in consideration of the premises and the mutual promises, covenants and agreement of not less than fifty-one percent (51%) of the Owners of the Villas of Indigo Run at Bear Creek, the Board of Directors hereby declare the DECLARATIONS OF COVENANTS, CONDITIONS, EASEMENTS AND RESTRICTIONS OF THE VILLAS OF INDIGO RUN AT BEAR CREEK amended as follows:

1. **Article III (BOARD OF DIRECTOR MEETINGS AND VOTING RIGHTS) Section 2 (Board of Directors) is deleted in its entirety and instead shall read:**

Section 1. Board of Directors

(a) Original Directors. The original Directors (together with their successors being hereinafter referred to a "Director" or "the Directors"), to serve on the board shall be Anthony Aiello, Rhonda Aiello, and Anthony Terbrock, who by their signatures hereto, consent to serve in such capacity until their successors are elected or appointed as hereinafter provided. Should an Original or Successor Director appointed pursuant hereto resign, refuse to act, become



disabled, or die, Declarant shall have the power to appoint, by duly written and recorded instrument, a successor Director who shall serve until his/her successor is elected by the Association members in the manner herein after provided.

(b) Election of Directors. At such time as one hundred percent (100%) of the total Lots authorized to be developed in the Properties have been approved, sold, conveyed for residential use, and are ready for residential use, Declarant shall cause the resignation of all three (3) directors. The current Class A members (see Section 5) shall then elect Owners who shall serve as Directors.

The Class A members shall then elect five (5) Owners as successor Directors. All Directors shall be elected for a term of one (1) year at the annual meeting or a special meeting called for that purpose. Note: Having served as a prior Director does not preclude an Owner from being reelected, nor will there be a limit on the number of one (1) year terms.

Any Class A member who has failed to pay any Assessments due and payable shall not be entitled to vote at any annual or special meeting provided for herein or to be elected or appointed to serve on the Board. The person or persons receiving the highest number of votes shall be deemed elected and shall, upon his, her or their acceptance in writing, at once and by force of this Declaration imposed, to succeed to, be vested within, possess and enjoy as joint tenant, all the estate, rights, interest, privileges and powers granted by this Declaration to the Board of Directors. In the event that any Director elected herein under shall die or become unable, for any reason, to discharge the duties, exercise, or avail himself or herself of all the rights and powers herein granted or bestowed upon him or her, as a Director, it shall then be the duty of the remaining Directors to select a successor to serve until the next regularly scheduled election for that position.



(c) Qualifications of Directors. Any Director elected under these provisions shall be a Lot Owner.

(d) Officers. Following each annual meeting of the Association as provided for herein (or at least annually if no meeting), the Board of Directors shall designate one of its members to serve as President, one (1) as Vice President, one (1) as Recording Secretary, one (1) as Corresponding Secretary and one (1) as Treasurer.

**2. Article III (BOARD OF DIRECTOR MEETINGS AND VOTING RIGHTS)  
Section 2 (Meetings of the Association) is deleted in its entirety and  
instead shall read:**

Section 2. Meetings of the Association. There shall be an annual meeting of the Association (subject to the provisions of Section 2 (a) hereof) to be held during the first week of October of each year during the term of the Declaration, said meeting to be held at a convenient place in the City of Wentzville. Special meetings of the Association may also be called by any one of the Directors, or fifty one (51%) of the Class A members, also to be held at a convenient place in the City of Wentzville. Written notice shall be given no less than ten (10) days in advance of the meeting, to each Owner, of the time and place of any annual or special meeting. This shall be provided by the Directors or the Owner(s) calling said meeting, by depositing the same in the United States mail, properly addressed to the address shown on the real estate tax assessment records for each Owner, with postage prepaid, or by hand deliver to each Unit. In the event of hand delivery, the delivery person shall file an Affidavit with the Secretary of the Board, stating the name, approximate time, date and address of the delivery(ies).

**3. Article III (BOARD OF DIRECTOR MEETINGS AND VOTING RIGHTS)  
Section 3 (Quorum) is deleted in its entirety and instead shall read:**

Section 3. Quorum.



(a) Except as provided in Section 5 of Article IV, or below, business may be transacted only at a special or general meeting of the Unit Owners at which there is a quorum. A quorum shall be deemed present at an Association meeting if the Owners in attendance at the beginning of the meeting represent at least fifty-one (51%) of the voters eligible to vote at the time of the meeting. If proper notice was given (as provided in Section 2 above) and a meeting called at which business cannot be conducted because of failure to achieve a quorum, then the Directors may either: (1) give another notice of the meeting indicating the proposed business or purpose and if such meeting is held within thirty (30) days of the date of the first meeting at which there was no quorum, then there shall not be a quorum requirement to transact the proposed business at such second meeting; or (2) act by vote of a majority of the eligible Lot Owners on any proposed business by written ballot of the Owners in lieu of a meeting.

(b) A quorum is present at a meeting of the Directors if a majority of the Directors are in attendance. All actions of the Directors shall be by majority vote, oral or written.

4. **Article III (BOARD OF DIRECTOR MEETINGS AND VOTING RIGHTS)  
Section 4 (Nonprofit Corporation) remains unchanged.**

5. **Article III (BOARD OF DIRECTOR MEETINGS AND VOTING RIGHTS)  
Section 5 (Voting) is deleted in its entirety and instead shall read:**

Section 5. Voting

(a) Voting membership shall be composed of Lot Owners and shall be referred to as Class A members. They shall be entitled to one (1) vote for each Lot owned. When more than one (1) person holds an interest in any Lot, all such persons shall be Owners. The Vote for such Lot shall be exercised as they among themselves determine, but in no event shall more than one (1) vote be cast with respect to any Lot.

(b) Rules pertaining to proxies shall be governed by the By-Laws.



(c) Whereas, a certain declaration of Covenants, Conditions, Easements, Amendment and Restrictions of the Villas of Indigo Run at Bear Creek have been recorded in Book 2292, Pages 1847-1880, Book 35, Page 385 and Book 5388, Pages 1176 and 386 of the St. Charles County Record. The following properties are subject to conditions, restrictions and easements of record, if any, and have voting rights:

Lots: 701	706	711	727	732
702	707	712	728	733
703	708	713	729	734
704	709	714	730	735
705	710	715	731	

In all other respects, the DECLARATIONS OF COVENANTS, CONDITIONS, EASEMENTS AND RESTRICTIONS OF THE VILLAS OF INDIGO RUN AT BEAR CREEK is ratified and confirmed and remains in full force and effect as amended hereby.



IN WITNESS WHEREOF, the undersigned have executed this FIRST AMENDMENT TO THE DECLARATIONS OF COVENANTS, CONDITIONS, EASEMENTS AND RESTRICTIONS OF THE VILLAS OF INDIGO RUN AT BEAR CREEK on this 15<sup>th</sup> day of November, 2010.

THE VILLAS OF INDIGO RUN AT BEAR CREEK HOMEOWNERS ASSOCIATION

By: *Cheryl C. Dwiggins*  
Cheryl C. Dwiggins, Director

By: *Georgia A. Allen*  
GEORGIA A. ALLEN, Director

By: *Shirley Mason*  
SHIRLEY MASON, Director

STATE OF MISSOURI )  
 ) SS.  
COUNTY OF ST. CHARLES )

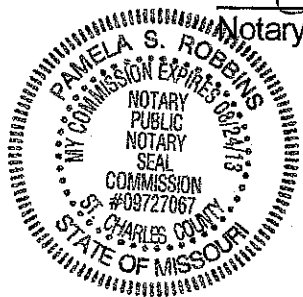
On this 13 day of October, 2010, before me personally appeared Cheryl Dwiggins, Georgia Allen, and Shirley Mason, to me known and duly sworn by me, did say that they are the Board of Directors for the Villas of Indigo Run at Bear Creek Homeowners Association, and who executed the foregoing instrument, and said instrument was signed in behalf of said homeowners association, and said Directors acknowledged said instrument to be the free act and deed of said homeowners association.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal in the County and State aforesaid, the day and year first above written.

*Paula Skow*

Notary Public

My Commission Expires:







IN WITNESS WHEREOF, the undersigned, being the Declarant herein, has Hereunto set its hand and seal this 1st day of November, 2010.

"Declarant":

AIELLO TERBROCK CONSTRUCTION, INC

BY: Rhonda Aiello  
Rhonda Aiello

Attest:

[Signature]

STATE OF MISSOURI )  
  )     SS.  
COUNTY OF ST. CHARLES )

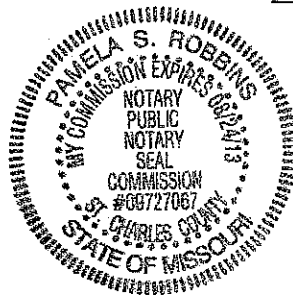
On this 1st day of November, 2010, before me personally appeared RHONDA AIELLO, to me personally known, who being duly sworn did say that she is the Secretary of Aiello Terbrock Constructions, Inc. and attested said instrument was signed in behalf of said corporation by authority of its Board of Directors, and said RHONDA AIELLO acknowledged said instrument to be the free act and deed of said corporation.

IN TESTIMONY WHEREOF, I have hereunto set my hand and Official seal in the County and State aforesaid, the day and year first above written.

[Signature]

Notary Public

My Commission Expires:





IN WITNESS WHEREOF, the undersigned witnessed the signatures of the Homeowners consenting to the FIRST AMENDMENT TO THE DECLARATIONS OF COVENANTS, CONDITIONS, EASEMENTS AND RESTRICTIONS OF THE VILLAS OF INDIGO RUN AT BEAR CREEK

Shirley Mason  
SHIRLEY MASON Print Name

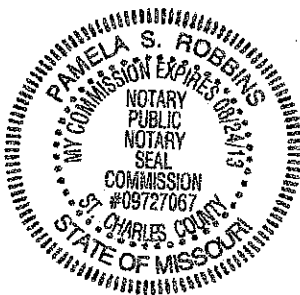
STATE OF MISSOURI )  
  ) SS:  
COUNTY OF ST. CHARLES )

On this 13 day of October, 2010, before me personally appeared Shirley Mason, to me known to be the person described in and who witnessed the signatures attached to the foregoing instrument, and acknowledged that she executed the same as her free act and deed.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal in the County and State aforesaid, the day and year first above written.

Pamela Robbins  
Notary Public

My commission expires:





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IN WITNESS WHEREOF, the undersigned witnessed the signatures of the Homeowners consenting to the FIRST AMENDMENT TO THE DECLARATIONS OF COVENANTS, CONDITIONS, EASEMENTS AND RESTRICTIONS OF THE VILLAS OF INDIGO RUN AT BEAR CREEK

Donna Keith  
Donna Keith Print Name

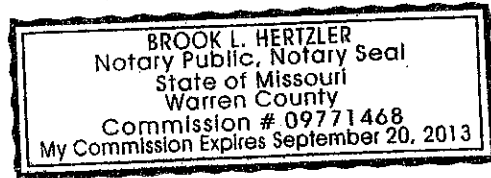
STATE OF MISSOURI )  
                          ) Warren ) SS:  
COUNTY OF ST. CHARLES )

On this 18<sup>th</sup> day of October, 2010, before me personally appeared Donna Keith, to me known to be the person described in and who witnessed the signatures attached to the foregoing instrument, and acknowledged that she executed the same as her free act and deed.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal in the County and State aforesaid, the day and year first above written.

[Signature]  
Notary Public

My commission expires: 4-20-2013





IN WITNESS WHEREOF, the undersigned witnessed the signatures of the Homeowners consenting to the FIRST AMENDMENT TO THE DECLARATIONS OF COVENANTS, CONDITIONS, EASEMENTS AND RESTRICTIONS OF THE VILLAS OF INDIGO RUN AT BEAR CREEK

Maureen M. Prendergast  
Maureen M. Prendergast Print Name

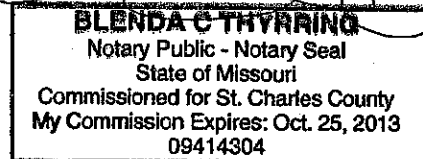
STATE OF MISSOURI            )  
  )        SS:  
COUNTY OF ST. CHARLES    )

On this 18 day of October, 2010, before me personally appeared Maureen M. Prendergast, to me known to be the person described in and who witnessed the signatures attached to the foregoing instrument, and acknowledged that she executed the same as her free act and deed.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal in the County and State aforesaid, the day and year first above written.

[Handwritten Signature]  
Notary Public

My commission expires: 10/25/13





We, the undersigned owners of the VILLAS OF INDIGO RUN AT BEAR CREEK hereby consent to the FIRST AMENDMENT TO THE DECLARATIONS OF COVENANTS, CONDITIONS, EASEMENTS AND RESTRICTIONS OF THE VILLAS OF INDIGO RUN AT BEAR CREEK and consent to the recording of this document.

HOMEOWNERS OF THE VILLAS OF INDIGO RUN AT BEAR CREEK  
WENTZVILLE, MISSOURI 63385

Lot	Address	Signature	Print Name
706B	2442 GOLDEN BEAR WAY	<i>[Signature]</i>	JAMES T. PENDERGAST
733	2409 Golden Bear Way	<i>[Signature]</i>	Ralph L. Ruble
712A	2414 Golden Bear Way	<i>[Signature]</i>	Darlene Wladlow
702A	180 BEAR CREEK DR	<i>[Signature]</i>	LAURENCE D. KIRK
715A	2408 GOLDEN BEAR WAY	<i>[Signature]</i>	MICHAEL J. LECHMAN
732	2417 Golden Bear Way	<i>[Signature]</i>	Johany L. Maze
735A	2403 GOLDEN BEARWAY	<i>[Signature]</i>	DALE S. HINTON
705B	2443 Golden Bear Way	<i>[Signature]</i>	Barbara Saterlee
729B	2427 Golden Bear Way	<i>[Signature]</i>	Barbara Saterlee
715B	2404 Golden Bear Way	<i>[Signature]</i>	Charles O. Duggins
738A	2433 Golden Bear Way	<i>[Signature]</i>	THOMAS W. FRAYNE

(P) (P)



We, the undersigned owners of the VILLAS OF INDIGO RUN AT BEAR CREEK hereby consent to the FIRST AMENDMENT TO THE DECLARATIONS OF COVENANTS, CONDITIONS, EASEMENTS AND RESTRICTIONS OF THE VILLAS OF INDIGO RUN AT BEAR CREEK and consent to the recording of this document.

HOMEOWNERS OF THE VILLAS OF INDIGO RUN AT BEAR CREEK  
WENTZVILLE, MISSOURI 63385

Lot	Address	Signature	Print Name
702 <sup>B</sup>	182 Bear Creek	<i>Bennett St Jay Shambel</i>	Bennett St Jay Shambel
701 <sup>B</sup>	184 Bear Creek	<i>Murphy Thomas &amp; Dawn</i>	MURPHY THOMAS & DAWN
701B	186 Bear Creek	<i>Shirley Leary</i>	SHIRLEY LEARY & ROSEAN DAWSON
701B	186 Bear Creek	<i>Robert C. Small</i>	
706A	2438 Golden Bear Way	<i>John D. Allen</i>	John D. & Georgia Allen
729A	2429 Golden Bear Way	<i>Lee &amp; Dana Keith</i>	Lee & Dana Keith
713A	2410 Golden Bear Way	<i>Virginia Williams</i>	Virginia Williams
712B	2416 Golden Bear Way	<i>Robert Hosteder</i>	ROBERT HOSTEDER
735B	2401 Golden Bear Way	<i>Roger Bridges</i>	ROGER BRIDGES
707B	2436 Golden Bear Way	<i>Sybil Williams</i>	Sybil Williams
710	2424 Golden Bear Way	<i>Sandra Maze</i>	Sandra Maze
705A	2442 Golden Bear Way	<i>Barbara Saffley</i>	Barbara Saffley



We, the undersigned owners of the VILLAS OF INDIGO RUN AT BEAR CREEK hereby consent to the FIRST AMENDMENT TO THE DECLARATIONS OF COVENANTS, CONDITIONS, EASEMENTS AND RESTRICTIONS OF THE VILLAS OF INDIGO RUN AT BEAR CREEK and consent to the recording of this document.

HOMEOWNERS OF THE VILLAS OF INDIGO RUN AT BEAR CREEK  
WENTZVILLE, MISSOURI 63385

Lot	Address	Signature	Print Name
7038	2452 Golden Bear Way	<i>Jim Pitt</i>	JIM PITT
727B	2435 Golden Bear Way	<i>Ed Jezik</i>	ED JEZIK
704A	2426 Golden Bear Way	<i>David Freerichs</i>	DAVID FREERICHS
728B	2431 " "	<i>Frank Giesman</i>	FRANK GIESMAN
707A	2434 Golden Bear Way	<i>Ken Frymo</i>	KEN FRYMO
738A	2411 Golden Bear Way	<i>Clint Anderson</i>	CLINT ANDERSON
713B	2413 Golden Bear Way	<i>Charles A. Ruene</i>	CHARLES A. RUENE
704	2448 Golden Bear Way	<i>Linda Klumborg</i>	LINDA KLUMBORG
731B	2419 Golden Bear Way	<i>Mick Auer</i>	MICK AUER



VILLAS OF INDIGO RUN AT BEAR CREEK HOMEOWNERS ASSOCIATION

If you are unable to attend the meeting on October 7, 2010, please complete the Proxy below and give to a friend or neighbor who will attend.

PROXY

705B

I Beverly + Don Hoke, BEING A MEMBER IN GOOD STANDING OF

THE VILLAS OF INDIGO RUN AT BEAR CREEK HOMEOWNERS ASSOCIATION,

DO HEREBY GRANT MY PROXY TO

Barbara Saffley

TO BE EXECUTED AT THE OCT 7<sup>TH</sup> MEETING AT HIS OR HER DISCRETION.

*Beverly Hoke*  
*Don Hoke*







VILLAS OF INDIGO RUN AT BEAR CREEK HOMEOWNERS ASSOCIATION

If you are unable to attend the meeting on October 7, 2010, please complete the Proxy below and give to a friend or neighbor who will attend.

PROXY

729B

I Winona Matthews, BEING A MEMBER IN GOOD STANDING OF  
THE VILLAS OF INDIGO RUN AT BEAR CREEK HOMEOWNERS ASSOCIATION,  
DO HEREBY GRANT MY PROXY TO BARBARA SAFFLEY  
TO BE EXECUTED AT THE OCT 7<sup>TH</sup> MEETING AT HIS OR HER DISCRETION.

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VILLAS OF INDIGO RUN AT BEAR CREEK HOMEOWNERS ASSOCIATION

If you are unable to attend the meeting on October 7, 2010, please complete the Proxy below and give to a friend or neighbor who will attend.

PROXY

I Nancy L. Kane, BEING A MEMBER IN GOOD STANDING OF THE VILLAS OF INDIGO RUN AT BEAR CREEK HOMEOWNERS ASSOCIATION, DO HEREBY GRANT MY PROXY TO Jackie Frayne TO BE EXECUTED AT THE OCT 7<sup>TH</sup> MEETING AT HIS OR HER DISCRETION.

7284

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